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SEP 19 2005

INSTRUCTIONS: This form should be used for transmitting the ISSUE FEE and PUBLICATION FEE (if required). Blocks 1 through 5 should be completed where appropriate. All further correspondence including the Patent, advance orders and notification of maintenance fees will be mailed to the current correspondence address as indicated unless correspondence is directed otherwise in Block 1, by (a) specifying a new correspondence address; and/or (b) indicating a separate "FEE ADDRESS" for maintenance fee notifications.

CURRENT CORRESPONDENCE ADDRESS (Note: Use Block 1 for any change of address)

7590

06/15/2005

Ranjana Kadle  
 Hodgson Russ LLP  
 Suite 2000  
 One M&T Plaza  
 Buffalo, NY 14203-2391

Note: A certificate of mailing can only be used for domestic mailings of the Fee(s) Transmittal. This certificate cannot be used for any other accompanying papers. Each additional paper, such as an assignment or formal drawing, must have its own certificate of mailing or transmission.

## Certificate of Mailing or Transmission

I hereby certify that this Fee(s) Transmittal is being deposited with the United States Postal Service with sufficient postage for first class mail in an envelope addressed to the Mail Stop ISSUE FEE address above, or being facsimile transmitted to the USPTO (703) 746-4000, on the date indicated below.

Alicia Falkenbach

(Depositor's name)

Alicia Falkenbach

(Signature)

September 15, 2005

(Date)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/858,036	05/15/2001	Shinichi Kanno	31090.0015	2475

TITLE OF INVENTION: METHOD FOR INDUCING ANGIOGENESIS BY ELECTRICAL STIMULATION OF MUSCLES

APPLN. TYPE	SMALL ENTITY	ISSUE FEE	PUBLICATION FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	NO	\$1400	\$300	\$1700	09/15/2005

EXAMINER	ART UNIT	CLASS-SUBCLASS	
MULLEN, KRISTEN DROESCH	3762	607-050000	01 FC:2501 700.00 OP 02 FC:1504 300.00 OP 03 FC:8001 30.00 OP

1. Change of correspondence address or indication of "Fee Address" (37 CFR 1.363).

☐ Change of correspondence address (or Change of Correspondence Address form PTO/SB/122) attached.

☐ "Fee Address" indication (or "Fee Address" Indication form PTO/SB/47; Rev 03-02 or more recent) attached. Use of a Customer Number is required.

2. For printing on the patent front page, list

(1) the names of up to 3 registered patent attorneys or agents OR, alternatively,

(2) the name of a single firm (having as a member a registered attorney or agent) and the names of up to 2 registered patent attorneys or agents. If no name is listed, no name will be printed.

1 Hodgson Russ LLP

2

3

## 3. ASSIGNEE NAME AND RESIDENCE DATA TO BE PRINTED ON THE PATENT (print or type)

PLEASE NOTE: Unless an assignee is identified below, no assignee data will appear on the patent. If an assignee is identified below, the document has been filed for recordation as set forth in 37 CFR 3.11. Completion of this form is NOT a substitute for filing an assignment.

(A) NAME OF ASSIGNEE

(B) RESIDENCE: (CITY and STATE OR COUNTRY)

Bioheart, Inc.

Sunrise, FL

Please check the appropriate assignee category or categories (will not be printed on the patent): ☐ Individual ☒ Corporation or other private group entity ☐ Government

## 4a. The following fee(s) are enclosed:

- ☒ Issue Fee  
☒ Publication Fee (No small entity discount permitted)  
☒ Advance Order - # of Copies 10

## 4b. Payment of Fee(s):

- ☒ A check in the amount of the fee(s) is enclosed.  
☐ Payment by credit card. Form PTO-2038 is attached.  
☒ The Director is hereby authorized by charge the required fee(s), or credit any overpayment, to Deposit Account Number 08-2442 (enclose an extra copy of this form).

## 5. Change in Entity Status (from status indicated above)

- ☒ a. Applicant claims SMALL ENTITY status. See 37 CFR 1.27. ☐ b. Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2).

The Director of the USPTO is requested to apply the Issue Fee and Publication Fee (if any) or to re-apply any previously paid issue fee to the application identified above. NOTE: The Issue Fee and Publication Fee (if required) will not be accepted from anyone other than the applicant, a registered attorney or agent, or the assignee or other party in interest as shown by the records of the United States Patent and Trademark Office.

Authorized Signature

Date September 15, 2005

Typed or printed name

John D. Lopinski

Registration No. 50,846

This collection of information is required by 37 CFR 1.311. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, Virginia 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.

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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Group Art Unit : 3762  
Examiner : Kristen Droesch Mullen

Applicant : Shinichi Kanno  
Serial No. : 09/858,036  
Filing Date : May 15, 2001  
Title : METHOD FOR INDUCING  
ANGIOGENESIS BY ELECTRICAL  
STIMULATION OF MUSCLES

**ASSERTION OF  
ENTITLEMENT TO  
SMALL ENTITY  
STATUS**

Mail Stop Issue Fee  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

I hereby certify that this paper is being deposited this date with the U.S. Postal Service as first class mail addressed Mail Stop Issue Fee, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Alicia Falkenbach

Name of person signing the certification

Alicia Falkenbach

Signature

September 15, 2005

Date

The above-identified patent application remains entitled to Small Entity Status.

Respectfully submitted,

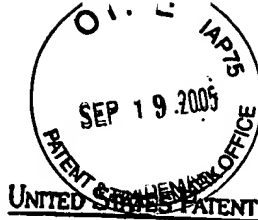
HODGSON RUSS LLP  
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Date: September 15, 2005



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UNITED STATES PATENT AND TRADEMARK OFFICE  
WASHINGTON, D.C. 20231  
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Bb Data Sheet

CONFIRMATION NO. 2475

SERIAL NUMBER 09/858,036	FILING DATE 05/15/2001 RULE	CLASS 435	GROUP ART UNIT 1645	ATTORNEY DOCKET NO. 31090.0015						
<b>APPLICANTS</b> Shinichi Kanno, Pittsburgh, PA; Yasufumi Sato, Sendai, JAPAN; <i>verified KCP</i>										
<b>** CONTINUING DATA *****</b> THIS APPLN CLAIMS BENEFIT OF 60/204,376 05/16/2000 <i>verified KCP</i>										
<b>** FOREIGN APPLICATIONS *****</b> <i>none KCP</i>										
<b>IF REQUIRED, FOREIGN FILING LICENSE GRANTED ** SMALL ENTITY **</b> ** 07/17/2001										
Foreign Priority claimed <input type="checkbox"/> yes <input checked="" type="checkbox"/> no		35 USC 119 (a-d) conditions met <input type="checkbox"/> yes <input checked="" type="checkbox"/> no <input type="checkbox"/> Met after								
Verified and Acknowledged <i>Ranjana Kadle</i> Examiner's Signature		STATE OR COUNTRY PA	SHEETS DRAWING 8	TOTAL CLAIMS 15						
				INDEPENDENT CLAIMS 3						
<b>ADDRESS</b> Ranjana Kadle Hodgson Russ LLP Suite 2000 One M&T Plaza Buffalo, NY 14203-2391										
<b>TITLE</b> Method for inducing angiogenesis by electrical stimulation of muscles										
FILING FEE RECEIVED 420	FEES: Authority has been given in Paper No. _____ to charge/credit DEPOSIT ACCOUNT No. _____ for following: <table border="1"><tr><td><input type="checkbox"/> All Fees</td></tr><tr><td><input type="checkbox"/> 1.16 Fees ( Filing )</td></tr><tr><td><input type="checkbox"/> 1.17 Fees ( Processing Ext. of time )</td></tr><tr><td><input type="checkbox"/> 1.18 Fees ( Issue )</td></tr><tr><td><input type="checkbox"/> Other</td></tr><tr><td><input type="checkbox"/> Credit</td></tr></table>				<input type="checkbox"/> All Fees	<input type="checkbox"/> 1.16 Fees ( Filing )	<input type="checkbox"/> 1.17 Fees ( Processing Ext. of time )	<input type="checkbox"/> 1.18 Fees ( Issue )	<input type="checkbox"/> Other	<input type="checkbox"/> Credit
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